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PTOL-413A (07-09)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/672,212 First Named Applicant: SMITH, Maurice

Examiner: RIVIERE, Heidi Art Unit: 3689 Status of Application: Pending

Tentative Participants:

(1) Jaclyn Alcantara (2) _____

(3) _____ (4) _____

Proposed Date of Interview: August 13, 2009 **Proposed Time:** 10:00 AM Eastern AM/PM

Type of Interview Requested:

(1) ☑ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1)			☐	☐	☐
(2)			☐	☐	☐
(3)			☐	☐	☐
(4)			☐	☐	☐

☐ Continuation Sheet Attached

Brief Description of Argument to be Presented:

Please see attached interview agenda

An interview was conducted on the above-identified application on _____ .

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Jaclyn S. Alcantara
Applicant/Applicant's Representative Signature

Jaclyn S. Alcantara
Typed/Printed Name of Applicant or Representative

61,638
Registration Number, if applicable

Examiner/SPE Signature

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

TELEPHONE INTERVIEW AGENDA - August 13, 2009

Objection

Regarding the objection of claim 1, "notifying a hierarchy of threat and evaluation authorities" is grammatically correct, as "notifying" is the verb, and "authorities" is the noun. "...hierarchy of threat and evaluation..." describes the authorities. However, if this still does not seem grammatically correct to the Examiner, the Applicant respectfully requests further explanation as to why it is not grammatically correct.

101 & 112 rejections:

The applicant wishes to bring to the Examiner's attention that the current 101 and 112 rejections of the pending Office Action dated 7/20/09 are not based on the most recent amendment as filed on April 1, 2009, but are rather word-for-word copies of the previous 101 and 112 rejections. Please note the previously-amended claims 1 and 11 below, as well as the Interview Summary and Remarks on pages 5-6 of the April amendment addressing these rejections.

1. (Currently Amended) A method of evaluating a threat posed by a substance, the method comprising the steps of:

(a) deploying a plurality of remote sensing units and a control unit adapted to automatically ~~identify~~ detect the substance and to ~~provide~~ generate a corresponding report, wherein the report comprises and image of the substance;
detecting the substance;
generating the report comprising the image of the substance;

(b) uploading the report to a secure remote server via a system chosen from the group consisting of a cell phone network and a satellite phone network;

(c) ~~establishing~~ notifying a hierarchy of threat response and evaluation authorities of the report, wherein the evaluation authorities include a plurality of experts having knowledge relevant to making a high-level threat assessment; and

(d) allowing the hierarchy of threat response and evaluation authorities to access the report on the remote server via a wide area network.

The Examiner rejected claim 1 under 35 USC 112 for failing to comply with enablement requirements and for indefiniteness. However, we amended claim 1 as shown above in the previous reply, replacing the phrase "establishing a hierarchy of threat response and evaluation authorities" with the phrase "notifying a hierarchy of threat response and evaluation authorities of the report".

11. (Currently Amended) The method of claim 10, wherein the remote sensing units act to properly physically orient themselves upon hitting ground to properly position various operational elements of the remote sensing units.

The Examiner rejected claim 11 under 35 USC 112 for failing to comply with enablement requirements and for indefiniteness. However, we amended claim 11 as recited above to clarify that "proper orientation" refers to the physical orientation of the sensing units.

The Examiner also rejected claim 1 under 35 USC 101, again asserting that the claimed invention is directed to non-statutory subject matter. However, as argued and agreed to in a previous telephone interview with Examiner Dean Nguyen, "a plurality of remote sensing units and a control unit" as well as "a secure remote server"in claim 1 adequately tie the process to a particular apparatus. However, if the Examiner disagrees with this point, is the Examiner willing to provide guidance during our telephone interview as to what language may be acceptable to adequately tie the process to a particular apparatus?

REJECTION OF CLAIMS 3 & 8

Regarding the Examiner's rejection of claim 3 under 35 USC 103 in view of Wyatt, the Examiner asserts that Wyatt teaches a report comprising an image of the substance. Wyatt teaches performing a set of scattered light measurements by which the target aerosol particles are well classified and/or identified. **However, the terms "screen", "display", "graphic", and "image" are not present in Wyatt, and measuring light does not inherently require a displayed result.** None of the steps recited in Wyatt require or suggest displaying scatter light measurements graphically as an image.

Furthermore, neither Wyatt, Barnes, nor 42 USC 11023 (a) teach "wherein the report includes a magnified image of the substance". As explained above, measuring light does not inherently require a displayed result, and because Wyatt does not teach a report comprising an image of the substance, it also does not disclose a magnified image, but rather detects light in order to classify or identify aerosol particles. The fact that the particles are disclosed as identified one-at-a-time still does not teach or suggest a magnified image nor does Wyatt disclose any image-obtaining devices. The same is also true regarding claim 8, in that Wyatt does not disclose a microscope-magnified image. If no specific prior art reference can be provided which teaches this limitation along with the other limitations of claims 3 and 8, we ask that the rejections of claims 3 & 8 be withdrawn.

REJECTION OF CLAIMS 10 & 11

Barnes does not teach the remote sensing units deployed by being airdropped into an area. Instead, Barnes teaches a system that can be mounted on an aircraft or ground vehicle (Barnes, Col. 4, ln 52), not dropped from an aircraft. Therefore, neither Barnes nor Wyatt teach or suggest that the remote sensing units are deployed by being airdropped into an area containing a potentially hazardous substance, as claimed in claim 10. Claim 11 depends on claim 10 and therefore is also not taught in Barnes or Wyatt, because neither prior art references teach a system that can be dropped out of an airplane and then properly orient itself upon hitting the ground.

Thank you for your willingness to discuss these matters with me.

Sincerely,

Jaclyn S. Alcantara

Jaclyn S. Alcantara, Reg. No. 61638